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Paper No. 9

In re Application of :  
Linlee Blake Nelson : DECISION ON  
Application No. 09/894,432 : RENEWED PETITION  
Filed: June 26, 2001 :  
Attorney Docket No. P0113 :

This is a decision on the renewed petition filed on January 5, 2004 by which petitioner again requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a reply to the Office letter dated July 31, 2002. The renewed petition is being considered under 37 CFR 1.181, and no fee is required.

The original petition was dismissed as being untimely filed.

Petitioner has now submitted a proper terminal disclaimer in accordance with MPEP § 711.03(c), and the original petition has been reviewed on its merits. That review shows that a reply to the Office letter in question was in fact timely filed by reason of the 37 CFR 1.8(a) certificate of mailing affixed to the copy of the reply that was submitted as part of the original petition. See 37 CFR 1.8(b). Therefore, the application is not in fact abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the examiner for action on the reply filed on October 31, 2003.

PETITION GRANTED.

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